

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HARRY J. WILLIBY,

Plaintiff,

No. CIV S-04-2560 DFL JFM P

vs.

JEANNE S. WOODFORD, et al.,

Defendants.

ORDER

_____/

Plaintiff is a former state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On October 2, 2006, plaintiff filed a motion styled as a motion for entry of final judgment. The motion is predicated on screening orders issued by this court and the district court finding cognizable claims for relief in plaintiff's amended complaint. The fact that a pleading contains one or more cognizable claims for relief does not, without more, entitle the pleader to judgment on the merits. To date there have been no proceedings on the merits of plaintiff's claims.¹ For that reason, plaintiff's motion will be denied.²

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¹ The court has separately recommended dismissal of this action due to plaintiff's failure to exhaust administrative remedies prior to suit.

² Plaintiff also reargues objections to this court's March 10, 2006 order. Those objections have been considered and resolved by the district court. See Order filed August 31, 2006.

1 In accordance with the above, IT IS HEREBY ORDERED that plaintiff's October
2 2, 2006 motion for entry of final judgment is denied.

3 DATED: February 26, 2007.

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6 UNITED STATES MAGISTRATE JUDGE

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